

the stomach, and weakness of the female organs. "I used Lydia E. Pinkham's Vegetable Compound, and ound a perfect cure in it for these troubles." MRS. LIZZIE DECLINE, 224 Grand Street.

## U. P. REORGANIZATION

PLAN OF THE COMMITTEE FINALLY GIVEN TO THE PUBLIC.

Issue of \$236,000,000 Bonds and Stock Contemplated-Syndicate Ready to Purchase Befaulted Coupons.

The synopsis of the plan of reorganization of the Union Pacfic railroad, which was announced yesterday, places the mileage affeeted by the reorganization at a total of main line of 1.827 miles. Balances due on outstanding land and town lot contracts on Dec. 31, 1894, were \$6,162,751, and unsold land grant lands, including those under contract, amounted to 6,524,000 acres, at estimated value of \$13,358,500. The total funded debt is placed at \$140,125,862. The fixed charges and deductions from net earnings, including interest on bonds, sinking fund and govern- | wards the capitalization of the surplus. ment requirements are stated in the pamphlet for a period of five years, the averag fixed charge being \$6,802,001. This, it will show, is exclusive of the excess of interest on the debt to the government over the net carnings applicable under the Thurman and other acts, and of interest on bonds held on main line, mortgage trusts under conversion provisions, and of the obligations of the railwey company under traffic guarantees. Including those items, the fixed and other charges prior to the stock for the year 1892, being the year just preceding the receiverggregated the sum of \$7,881,475, or greater by \$881,475 than the amount necessary to pay the annual interest on the maxnds on the maximum issue of preferred tock contemplated in the reorganization. The pamphlet shows that the average annual net earnings for ten years, 1885 to 1894, inclusive, were \$7,563,669, or an amount greater by \$563,669 than the maximum interst and dividend requirement upon the new bonds and preferred stock provided for in he plan. The lowest net earnings realized by the Union Pacific railroad were those of the year 1894, when they were \$4,315,077, or mum amount of proposed bonds of the new

The plan contemplates the issue of \$100 of first mortgage railway and land grant fifty-year 4 per cent. gold bonds; \$75,-60,000 of 4 per cent. preferred stock, and 61,000,000 of common stock. The new bonds are to be secured by a first and only lien on he main line mileage of the Union Pacific railway, equipment land grant, land and land grant balances, and upon such branch lines of railway as the committee shall avail of through the ownership in mortrage trusts of branch line bonds. The preerred stock is to be entitled to 4 per cent. mulative dividends, payable out of net or surplus earnings before the payment ofmy dividend on the common stock. The stock of the present company will be as-sessed \$15 per share, the holders receiving new preferred stock for the amount of their

anized to furnish \$10,000,000 or \$15,000,000 if esired to purchase, upon deposit, of the and interest assignments pertaining there-to and thereafter as they may mature; all coupons and interest claims maturing dur-ing the pendency of the plan on such bonds, and to adjust in cash the 2 per ifference in the rate of interest on new bonds from the date at which he new bonds from the date at which he new bonds begin to bear interest, to the due dates of the principal of any subirst mortgage sixes; Kansas Pacific Eastdivision sixes, Kansas Pacific middle extension first mortgage sixes.

The time for declaring the plan operative is limited to Dec. 31, 1896, with right of extension to June 3, 1897. The time for sit of bonds and stocks is limited to Dec. 31, 1895, after which penalties of 5 per cent. on bonds and \$5 per share on tock will be imposed. The new bonds will be dated Jan. 14, 1897, and shall bear interest on that date on Jan. 1 and July 1 thereafter. Deposits may be made at any of the depositories on and after Nov. 1. 1895, from which date matured coupons on first mortgage bonds will be cashed, as provided in the plan. Stockholders will not required to pay any part of the assessrative. Securities will be returned free of expense to holders should the plan be bandoned. The depositories are in the andoned. The depositories are in the ercantile Trust Company, of New York; d Colony Trust Company, of Boston; ank of Montreal, London; Amster-Bank of Amsterdam, and Vereinsbank, of Frankfort-on-

Pennsylvania Inspection.

The Pennsylvania inspection party, sevline; in company with Vice President Mc-Crea and other officials of the lines west Pittsburg, will arrive at indianapoin at 4:30 p, m. to-day, remain half an hour and then go to Terre Haute, going over the St. Louis division to-morrow. The party will remain in St. Louis over Sunday, as President Roberts is very pronounced in unless positively necessary. Monday morning the train will leave St. Louis over the Chicago, Burlington & Quincy, running to Burlington, and on Tuesday will run from Burlington to Chicago over the Toledo, Peoria & Western and the Illinois Central. On the \$1 the party will go from Chicago to Crestline, and the next day to Cleveland; on Thursday from Cleveland to Pittsburg. On Friday the party will examine the Allesheny road, and on Saturday return to Philadelphia, having been out thirteen days. It is expected that President Mc-Keen, of the Vandalia, who landed in New York yesterday from abroad, will overtake the party here to-day. One of the official party says that the trip is only to examine the condition of the different roads emraced in the system east and west of no more importance than any other trip that has been made in recent years. Of course, the revival of business all over the ntry will swell the net earnings of all ds to such an extent that improvenients that have been put off for a number of years will be undertaken. Already work is under way on the Panhandle system in the way of widening tunnels, building new bridges, stations, etc., that will cost over taif a million dollars. President Roberts says that the policy of the company has always been to set aside a certain sum for vements, which is generally in proportion to the net earnings. This policy has been productive of excellent results, and has been the means of bringing the lines of the system up to a high standard of perfection, so that the Pennsylvania railroad is looked upon all over the world as the standard railway, and other systems are copied after it. The company has large interests west of Pittsburg, and after ast year's inspection trip the Vandalia and Toledo, Peoria & Western lines were rewn into closer relationship to the parent



inspection trip, but to what extent other roads will be absorbed, if any, will not be known till after the trip is concluded and the directors and leading officials have had time to get their heads together.

Pullman Company's Report. Stockholders of the Pullman Palace Car Company held their annual meeting in Chicago yesterday. Over \$25,000,000 of the capital stock was represented. The president's report showed that during the past year a contract had been made with the Mobile & Ohio Railroad Company for a period of twenty-five years. Ten compartment cars had been built during the year for the use of the company. The cost was \$191,242. The number of cars owned and controlled by the Pullman company is 2,556. Of these, 2,303 are standard, and 253 tourist. The previous year. The num-

197,407,503 last year. value of the manufactured product of the value of the manufactured product of the car works was \$4,419,555, and of other industries, including rentals, \$556,573, making a total of \$4,986,128, against \$4,925,331 for the previous year. The total number of persons in the employ of the company in its manufacturing and operating departments was 10,318, and the wages paid during the year were \$5,011,565. The number of persons employed for the pravious year was 10,858 employed for the previous year was 10,858, and the wages paid \$4,968,548. The total revenue was \$8,547,624, and the total disbursements, including \$2,880,000 dividends on cap-Ital stock, was \$7,137,234, leaving a surplus \$1,410,390. The total assets of the company mount to \$62,792,958. The net surplus in-ested in assets of the company is \$26,792,958. Directors were elected for the ensuing year as follows: George M. Pullman, Marshall Field, J. W. Doane, Norman Williams and O. S. A. Sprague, of Chicago; Henry C. Hulbert, New York; Henry R. Reed, Boston. The usual quarterly dividend of \$2

per share was declared payable Nov. 15.

Transfer books will close Nov. 1 and reopen

Nov. 16. No action was taken looking to-

No Alliance with Gould. The fact that Chauncey M. Depew, presilent of the New York Central, and Marvin Hughitt, president of the Chicago & Northwestern, are members of the Union Pacific reorganization committee is the only ground for sending over the country the sensational garding the rumor, and stated emphatically that there was nothing in the yarn, and office of George W. Fry, on South Illinois that it had no foundation in fact. The appointments of Mr. Depew and Mr. Hughitt on the reorganization committee are but natural. For years the Union Pacific has been dominated by the Vanderbilts. The closest possible traffic arrangements have between the Northwestern and the Union Pacific, and the road has been practically operated as a wing of the Vander-bilt system. It is, therefore, but natural to suppose that those who best understand the Union Pacific should be appointed to assist in the reorganization of the property. The Chicago story further intimated that President Huntington was ready to sell the Central Pacific to the Vanderbilts. Not a mile of the Southern Pacific's California system is for sale. Its owners know when they have a good thing. The policy of the Southern Pacific has been to buy roads, and not to sell them, and, as no road could profitably go into competition with it in California without paralleling its entire system in that State, it is likely to be left in undisputed possession of the field. There is certainly not enough business in and out of San Francisco alone to pay for building another road into that city.

Viceroy Li's First Ride on the Cars. A most interesting report on Chinese railroads is furnished to the State Department at Washington by United States Counsel Read, at Tien-Tsin. He tells of difficulties that were encountered by the young English overcoming the superstitious repugnance of features of the road from Tien-Tsin to Chan-Hai-Kwan, and gives the following incident of the first trip by steam of the celebrated old viceroy, Li Hung Chang: "As director-general of the road, he was given a special car. This was furnished with elaborate chairs, lounges, tables, etc., upholstered in silk and satin. Li, on his first trip, was profuse in his expressions of admiration. Upon his return to Tien-Tsin his satisfaction had reached such a point that

he ordered all the furniture, hangings, etc., to be removed to his yamen (palace). To the disappointment of the great viceroy the special feature of the car—the luxurious bed—was left behind, as it had been built into the car. The directors learned a lesson, and the viceroy's new private car has furniture that cannot be removed.

Lumber Rates Restored.

General freight agents of the Western roads agreed yesterday that lumber rates should be restored Nov. 4 to the basis of tariff in effect Sept. 15, prior to the recent cuts, the advance to be made everywhere throughout association territory. Coal rates \$2.50 per ton from Chicago to the Missouri river. The old rate was \$3.20, but owing to the number of contracts that have been made it was impossible to put them back to that figure at this time. It was also agreed that grains rates from the West should be maintained in the old tariff basis on and after Nov. 4. Export rates via Galveston and other Southwestern ports are to be subject to the same rule. A uniform form of instruction was adopted, to be sent to all contracting agents, notifying them of the adoption of these agreements.

Each year makes it plainer that the Penn-

sylvania Company must have more city C. Fairbrother, East St. Louis. freight depot room, the two present freight depots not affording facilities for handling the increasing business which each year brings, and 1895 bids fair to largely eclipse ures substantiate the above statement: In the three months ending Sept. 30 there were handled at the city freight depots of the Pennsylvania lines, 182,113,821 pounds of freight, representing 13,009 cars; in 1894 there were handled at the city freight depots in the corresponding three months, 143,390,766 pounds, representing 11,479 cars; increase in tonnage this year, 38,723,055 pounds; in num-ber of cars represented, 1,530.

Union Station Business. Officials about the Union Station and frequent visitors there are well aware that each year is showing a large increase in travel to and from Indianapolis and in novement and in number of cars handled at the Union Station, and September leads them all. During September there arrived and departed at the Union Station 3,923 pasenger trains, against 3,437 in September, 894, an increase of trains of 486. On the trains this year 24,795 cars were handled, against 21,502 in September, 1894; increase this year, 3,296 cars; number of cars per train in 1895, 6.32; in 1894, 6.26.

More Switching Yards.

A syndicate at Seymour purchased a tract of land east of that city yesterday containing thirty-one acres. The B. & O. S. W. Railroad Company, with its miles of switches in that city, has lately had a blockade in the yards which continued over a week. They desired more yard room, but did not want over five acres, and the owner of the land refused to sell unless he could sell it all. A number of Seymour business men bought the land and will deed five acres of it to the railroad.

Personal, Local and General Notes J. A. Barnard, general manager of the coria & Eastern, will return from New

The Chicago & Erie increased its force n the company shops at Huntington, Ind., his week, twenty men. On Sunday, Oct. 27, the Cincinnati, Hamrip excursion to Cincinnati.

Bert Stacey, of the Union Station force, is ill with typhoid fever, and little hopes are entertained for his recovery. A number of the division superintendents of the Big Four were in the city yester-day arranging the winter time schedule, A. G. Wells, formerly superintendent of the St. Louis division of the Big Four, is now superintendent of the Atlantic &

as he was anxious to demonstrate to them that the track from Indianapolis to Louisville was the best 110 miles in the sys-

The directors of the Lake Erie & Weslern have declared a quarterly dividend of 1% per cent., on the preferred stock, payable Nov. 15. The Illinois Central officials, accompanied by a number of directors from the East, are now on their annual inspection of the

The Cincinnati, Hamilton & Dayton, although having a large freight equipment, is in trouble to furnish cars to handle the

L. D. Stinson, passenger conductor on the Evansville & Terre Haute, is in the city visiting his brother, who is quite low

D. F. Jack, late assistant to President Piant, of the great Florida system, has been elected vice president of the Plant system of roads and its steamship lines.

M. K. Wheatley, agent of the Big Four at Lafayette, has secured a month's leave of absence, and, accompanied by his family, will spend the time in the South. The new compound freight engine of the Pennsylvania, built recently at Altoona, is performing beyond the highest expectations in handling heavy trains at good speed. The Southern Railway Company will practically rebuild its recently acquired North Carolina road, by which it gains entrance into Norfolk, Va. The road is in bad shape

Up to the first of October roads centering at Chicago had contracted this year for 160 new locomotives, nearly sixteen thousand freight cars, and over 120,000 tons of new steel rails.

William Garstang, superintendent of mo-tive power of the Big Four, has returned from Louisville, where he went with Chief Engineer Kittridge to plan for the new coal chutes to be built at that point. It is stated that Samuel Barker, of Ham-

ilton, is to be placed at the head of the financial department of the Grand Trunk.

The position of Controller is to be created similar to that of the Canadian Pacific. General Manager Beach, of the Pittsburg & Lake Erie, says that road will this year show an increase in gross earnings over 1894 of at least \$1,000,000. Its freight traffic never was heavier than for several weeks past. First Vice President Hartsborne, of the Lehigh Valley road, who has been abroad for some months, is expected home to-mor-row, More will soon likely be known as to the future of this property as a result of his

O. H. Jackson, formerly master me-chanic on the Peoria & Eastern, now holding a similar position on the Santa Fe, Prescott & Phenix, is in the city ar-ranging to remove his family to his headrumor that an alliance had been formed between the Vanderbilts and the Goulds with a view of establishing under one ownership a through line from the Atlantic to the Pacific. Mr. Depew was interviewed re-

> The Great Northern has notified all its connections that all second-class rates on its lines from Montana points to Minneapolis have been restored to tariff. The Northern Pacific people received this, it is stated, as welcome news, as rates on lumber, etc., had

> Two of the new Class R engines, just built at Altoona, have been sent to the Western Pennsylvania lines for service, and more are to come. These are the heaviest type of freight engine, the compound excepted, the Pennsylvania people have in service on their system. The Pennsylvania Company will doubt-

less keep on the local Pullman sleeping car run between Indianapolis and New York on Train 20, as for some months it has carried more passengers from Indianapolis than the through car from St. Louis to New York hauled on this train. The new Kansas City extension of the Missouri, Kansas & Texas will be opened for traffic Nov. 1. The construction men are working day and night forces, and on Sunday. The M., K. & T. will at once enter the field as a competitor for both freight and passenger business between St. Louis

R. H. Chamberlain, for more than forly years connected with the Rock Island road and for over fifteen years superintendent of its Chicago division, died at Chicago yesterday at the age of sixty-nine years. For the last three or four years Mr. Cham-berlain has been in falling health and has acted in an advisory capacity.

Charles F. Lape, recently appointed suern Pacific, was at one time master me chanic of the Bee-line at Brightwood, later going to the Wabash road, from which he was appointed a member of the Illinois railroad commission, holding the position until removed by Governor Altgeld.

General passenger agents of the West-ern roads continued their deliberations at Chicago yesterday over their proposed new agreement. They went through all the clauses of the old agreement and amended it in a way which seemed to be satisfactory to all interests. Rules and regula-tions have yet to be adopted. The meeting will continue its work to-day.

The Tennessee Midland railroad was sold at Memphis yesterday under an order of the United States Circuit Court, in a suit brought by the St. Louis Trust Company for foreclosure on one million dollars of first mortgage bonds which the company holds. The property was bought in by J. W. Phillips, of St. Louis, on behalf of the trust company, at the upset price, one million dollars. This was the only bid. General Manager Ashley, of the Toledo & Ann Arbor, has instructed his superintendent of rolling stock to advertise for bids on 725 cars, 700 to be box cars of 60,000 pounds capacity, the other twenty-five to be the largest size of furniture cars. This road has made such an excellent earning exhibit this year that the management is encouraged in spending more money on the roadbed and in increasing its equip-

The following have been appointed sur-geons on the Vandalia main line: Dr. S. M. Rice, Terre Haute, chief surgeon; Dr. J. W. Marsee, Indianapolis; Dr. Amos Carter, Plainfield; Dr. E. B. Evans, Greencastle; Dr. Joseph Gifford, Brazil; Dr. J. B. Thornton, Knightsville; Dr. P. H. B. Thornton, Knightsville; Dr. P. H. person was a necessary party plaintiff, for Butler two seasons ago, is right half back, Staunton; Dr. N. W. Bruce, Caby reason of his interest in the action and back, and Sam Patterson, of the famous old Purdue team, is left half back; Don Dr. C. W. Durst, St. Elma; Dr. R. Beach, was not apparent upon the face of the com-Vandalia; Dr. W. T. Easley, Greenville; Dr. M. H. Tibbetts, Highland, and Dr. H.

A. G. Wright, roadmaster of the Indiana-polis division of the Louisville, New Albany Chicago, states that he has two large gangs laying new rails at the rate of one mile a day. There are yet thirty-two miles all former records. Each month-shows a to lay with the heavy rail. From Monon is now laid with steel rail weighing seventy-five pounds to the yard, and the steel rails to lay the remaining thirty-two miles are being distributed. With this improvement complete it is quite probable the time of the Monon between Indianapolis and Chicago will be shortened thirty minutes. To correct any misunderstanding con-

cerning the relationship of the Lake Erle & Western and the Pennsylvania lines over the joint track between Indianapolis and Kokomo, Ind., a circular bearing the signatures of General Passenger Agent Daly, of the L. E. & W., and of General Passenger Agent Ford, of the Pennsylvania, has just been issued to general pascountry. The joint circular advises that travel through the city. Every month this owned and operated by the Lake Erie & Western, and is used only by the Pennsylvania under a track contract for the novement of its through trains between Chicago, Indianapolis and Louisville. The local business to points between Kokomo and Indianapolis belongs exclusively to the L. E. & W. Roads which have only been using one coupon to reach points on this joint track have been asked to withdraw such tickets from sale and replace them with new forms containing the nec-essary coupons for the Lake Erie & West-

DEGREE OF POCAHONTAS.

Second Annual Meeting Elects Offcers-Silver Tomahawk Presented.

The second annual meeting of the Great Council, Degree of Pocahontas, adjourned its session in this city yesterday afternoon, When the session convened yesterday morning about two hundred representatives and past officers were present. The "long talk" of the great Pocahontas occupied the greater part of the morning. In the afternoon officers were elected as follows: Great prophetess, Mrs. D. M. Snider, Muncie; great Nenoah, Sue Biddlecome, of Warsaw; great Minnehaha, Lou Hicks, of Lebanon: great keeper of records, Hattle M. Hopkins, of Indianapolis; great keeper of wampum, Addie M. Cook, of Indianapolis; great first scout, Rosamond Fouts, of Bouron; great second scout, Mary Witt, of ebanon; great guard of wigwam, Cora C Derbyshire, of Catamack; great guard of forest, Sue Fultes, of Terre Haute; great trustees, Alice Neff, of Indianapolis; Claudia Earther, of North Indianapolis, and Julia Hensel, of Indianapolis. At the close of the Hensel, of Indianapolis. At the close of the session, on behalf of Past Great Prophetess Martha Smock, of Muncie, Past Great Sachem George David, of this city, presented the Great Council with a handsome silver tomahaw. There are about 3,500 members of the Degree of Pocahontas in

STOUGHTON J. FLETCHER AND JOHN R. ELDER MADE DEFENDANTS.

Garnishment Proceedings in 1887 Alleged to Have Injured Henry Waring to the Extent of \$32,000.

Henry Waring, of London, Eng., yesterday filed a suit for \$32,000 against Stoughton J. Fletcher and John R. Elder. The suit grows out of a suit in attachment that was prosecuted in Vigo county seven years ago. The complaint alleges that at the time of the filing of the other suit, 1887, the firm of Waring Bros., of which the plaintiff in this action was a member, was indebted to Fletcher & Churchman in the sum of \$2,783. The suit was filed in Vigo county against Waring Bros. for \$35,000, alleging that much indebtedness on account of a railroad deal in Illinois property. At that time W. R. McKeen, Josephus Collett and David J. Mackey were indebted to Waring Bros. in the sum of \$50,000. These men were made garnishee defendants in the suit and the money owing to Waring Bros. was thus tied up. The suit was not finally settled until some time in 1894, when the Supreme Court sustained the Vigo Circuit Court in its judgment against Waring Bros. for \$2,783, the amount confessed by the defend-

The present suit is to collect damages under the bond given by Fletcher & Churchman when they made the Terre Haute men garnishee defendants. John R. Elder was the surety on that bond. Henry Waring is the only member of the firm of Waring Bros. now living, and F. M. Churchman, of the firm of Fletcher & Churchman, is also dead. The complaint avers that the plaintiff has lost the use of \$50,000 from Jan. 8, 1887, till the time of the final decision in 1894, about seven and onehalf years, besides being compelled to pay large attorneys' fees in attending the suit against the old firm, of which the plaintiff is the successor. It is alleged that the expense of securing depositions from Europe and fighting the case here amounted to this point, resigned yesterday to accept a that court for two and a half years and it was taken to the Supreme Court. The judgment, as rendered, it is averred, was simply what was confessed by this plaintiff at the time the suit was filed, and which amount he would have paid at any time.

INCREASED THE AMOUNT \$7,500

Second Trial of the Young Damage Suit Ends in a Verdict for \$12,500. The damage suit of Richard M. Young against the Citizens' street railroad was finished at Greenfield vesterday, the jury bringing in a verdict in favor of the plaintin for \$12,500. In May of last year Young, while working for the Manufacturers' Natural Gas Company, was laying mains in West Washington street. He was struck by a trolley car and badly injured. The case was tried here and Young was awarded \$5,000 damages, but the company secured a new trial and a change of venue to Hamilton county. Before it came to trial the case was again changed, and it came up this week in the Hancock Circuit Court. Young was represented by Henry Spaan, of this city; Christian & Christian, of Noblesville, and R. A. Black, of Greenfield. John B. Elam and W. H. Latta, of this city, and Marsh & Cook, of Greenfield, appeared for the street-car company. Young asked for \$25,000 damages.

Sheriff Womnek Restrained. Yesterday morning in Superior Court No. 2 the Citizens' Street-railroad Company secured a restraining order against Sheriff Womack to prevent the sale of twenty street cars on an execution issued in favor is a hard worker. D. Stone, at left of Mary Sleuter. The order is returnable next Monday at 10 o'c,ock. Last year Mary Sleuter was injured in alighting from a car, and brought suit for \$5,000 damages and secured a verdict for \$3,000. A motion for a new trial is pending. Wednesday Mrs. Sleuter had an execution issued and a description of the company in which he is found is evidence that he is a good player. He weighs 178 pounds. W. H. Thompson is also a find of the C. A. A. He is excellent on defensive work, strong as an ox, and weighs 189 pounds. He sleuter had an execution issued and a description of the company in which he is found is evidence that he is a good player. He weighs 178 pounds. W. G. H. Thompson is also a find of the C. A. A. He is excellent on defensive work, strong as an ox, and weighs 189 pounds. He sleuter had an execution issued and a description of the company in which he is found is evidence that he is a good player. He weighs 178 pounds. W. H. Thompson is also a find of the C. A. A. He is excellent on defensive work, strong as an ox, and weighs 189 pounds. He shall be a played to the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in which he is found is evidence that he is a new man, but the company in the is a new man, but the company in the is a new man, but the company in the is a new man, but the company in the is a new man, but the company in the is a new man, property designated twenty old street cars, now locked in the New Jersey-street barn. These are some of the old cars not now used by the company.

THE COURT RECORD.

Supreme Court. 17404. Galloway vs. Campbell. Wells C. C. Affirmed. Howard, C. J.-1. It is the duty of the trial judge to whom an application is made for the appointment of a re-ceiver, to determine the probable facts from the several pleadings and affidavits. 2. The court, in making the appointment of a receiver, is presumed to have acted on the truth of the statements in the application and the affidavits connected therewith. 17582. Stoffel vs. Sellers. Huntington C. C. Reversed. Monks, J.-1. If a person, by the proper complaints and proof, can establish his right to have had a receiver appointed at a certain time, his right to the money in the hands of the receiver is dehad been appointed at the proper time. 2. If facts properly pleaded and proven give a party the money on hand the delay on If facts properly pleaded and proven give a party the money on hand the delay on the fact that the year for redemption has expired cannot deprive him of his right.

17559. Moore vs. Hermon. Howard C. C. Affirmed. Jordan, J.—1. If the fact that a person was a necessary party plaintiff by way of plea in abatement. 2. An answer in abatement must be verified and de an answer in bar, and cannot be pleaded therewith, and the issue thereon be tried first and separately. 3. Where it appears that words of qualification, as "more or less," were used as to the number of acres, it is a mere matter of description and not the essence of the contract, and the buyer assumes the risk of the quantity if there is no intermixture of fraud. 4. The doctrine of merger has no application where fraud is the issue. 17225. Lee vs. Mozings. Hamilton C. C. Appellant's motion to reinstate. 16970. Packet Company vs. Pikey. Dear-born C. C. Petition for rehearing over-

Appellate Court. 1777. Accident Insurance Company vs. Strong. Elkhart C. C. Reversed. Reinhard, C. J.-1. The fact that an insurance company accepted and retained the proofs of death or failed to furnish the beneficiary with blanks with which to make proof does not constitute a waiver. 2. The special ling should show the company's denial

1766. Berkley vs. City of Elkhart. Elkhart C. C. Affirmed. Rose, J.-1. A city court is governed by the same rules in making issues as justices of the peace, and all defenses in that court, except the stat-utes of limitations, set-off and matter in abatement are available under the general denial. 2. One against whom a harmless ruling has been made cannot voluntarily change the issues so that it shall become harmful and thus bring into the record a

1455. Stuckey vs. Hardy. Cass C. C. Reversed. Lotz, J.—When a special contract has become executed and nothing remains to be and under the money agreed to be paid under it a recovery may be had upon a common count and the recovery measured by the contract price.

1231. Thomas vs. Hawkins. Marion S.
C. Petition for rehearing overruled. Superior Court.

Room 2-Hezekiah Dailey, Judge pro tem. Mattie Coleman vs. Abraham Coleman: Decree granted plaintiff, with restoration of maiden name. In the case of Citizens' Street-railroad Company vs. Mary Sheter, the court granted temporary restraining order to Monday, 21st inst., at 10 o'clock a. m. Natalia Nathan vs. Tina Rusk; damages. On trial by court. Room 3-Pliny W. Bartholomew, Judge. John A. Shepherd vs. Cumberland Chair Company; receiver. Hearing on claims. Jerry Sheehan vs. H. R. Bond; levy lien.

Dismissed and costs paid. Criminal Court.

Frank McCray, Judge. State vs. Harry Jones; murder. W. N. Harding appointed to defend as poor per-State vs. Don Helmick; forgery. Plea of State vs. James Solenberg; grand larceny, Plea of guilty. Case under advisement.
State vs. George Bernard; grand larceny and burglary. Plea of not guilty.
State vs. Albert Hunter; uttering forged heck. Plea of guilty. State vs. Frank Smock; grand larceny State vs. Isaac Reynolds, Robert Parker

and Edward Millburn; burglary. Plea of State vs. Robert Williams and James Sanderson; arson. Plea of not guilty.
State vs. James McCarty and James McGuire; robbery. Plea of not guilty.
State vs. Samuel Green; sodomy. Acquit-

ted by a jury.

State vs. George Gray; embezzlement.

Plea of not guilty.

State vs. Herman Gaets; permitting minors to play pool. Fine of \$5 and costs. New Suits Filed.

Henry Waring vs. Stoughton J. Fletcher and John Roeldon; demand, \$32,000. Circuit Catharine A. Erdhouse vs. Frank R. Erdhouse; divorce. Room 1.

Clara L. Johnson vs. Delores McCarty et al.; partition. Circuit Court.

The John Hancock Mutual Life-Insurance Company vs. Chapen C. Foster et al.; foreclosure. Room 2.
G. F. Witmer Lumber Company vs. Herman Watterman; mechanic's lien. Room 1.

## FOOTBALL TO-MORROW

ARTILLERY TEAM WILL OPPOSE ONE OF THE BEST IN THE COUNTRY.

The Chicago Athletic Team Contains Men Who Have Made Reputations in Leading College Elevens.

The game of football between the Indianapolis Light Artillery eleven and that of the Chicago Athletic Association, to be played at the baseball park to-morrow afternoon, is attracting a great deal of attention, and a large crowd is expected to attend. It will be the opening of the football season in this city, and the strength of the Artillery team, which has games to play with the colleges of the State, can be estimated. The two elevens are composed of much of the same kind of material-fine players, who have not the time for training that college players have. It is said that the center of the Chicago team is the strongest in the country, outside of the four Eastern universities. The center of the Artillery team is regarded as exceptionally strong. The average weight of the Chicago eleven is about 169 pounds, while the average weight of the Artillery is several pounds more. It will be the Artillery's first game, while Chicago comes down with considerable practice and a number of victories. The Chicago team is under the management of H. S. Cornish, for many years with the Boston Athletic Club. The eleven is composed chiefly of the star players of the colleges and universities who have finished their college days, but still find pleasure in the sport. The Chicago team has the reputation of playing clean ball, so no slugging may be expected, for the Artillery eleven has eliminated such tacties from its play. E. B. Camp, the captain of the C. A. A.

plays right end. He is an old Pennsylvania player, weighing 150 pounds. W. F. Slater plays right half. He played three years with Illinois University, weighs 142 pounds, and has the reputation of being one of the hardest men to tackle in the country. Paul G. Brown, the full back, is an old Cornell man, having played full back there for two seasons. He weighs 157 pounds. Ralph Hoagland, a substitute at quarter back for Princeton last year, plays quarter and half back for the C. A. A. He weighs 151 pounds. Aldrich, an old Purdue man, will be with the visitors as a substitute quarter back. A. Stevenson is probably the best known player on the Chicago team. He is the giant who used to go through other lines for Purdue, sometimes carrying three or four men on his back. He is regarded as the best center rush ever seen anywhere. He weighs 202 pounds, and his work against the Eastern Universities stamps him without a peer. B. M. Thomas, right guard for C. A. A., is not a college man, but is a good player. His weight is given at 198 pounds. Olin McCormick, the left guard, is an Illinois University

mand was made by Deputy Sheriff Dynes plays right tackle, is a Michigan Univer-for the money. The company refused to sity man. He is the sprinter of the team, pay it, and on the demand to turn out and a great hand at carrying the ball. His weight is given at 175 pounds. J. R. Hudleston, right end, is a well-known player, who began the season with the Northwestern. He weighs 164 pounds. J. E. Ryan, of Wisconsin University, weight 184 pounds; C. B. Coffeen, of the University of Virginia, weight 164 pounds, and C. D. Blaney, of Franklin and Marshall College, weight 175 pounds, are with the team. There are fifteen men in all. The line-up cannot be given until the team The Artillery team is strong also, and if its players have been able to get in condition a fine contest is sure to be seen. For the Artillery Loose, at one time with

the Oberlin College eleven, is center rush. He weighs 210 pounds, and is a good player. Dwyer, weighing 200 pounds, who played with the Harvard freshman team, is left guard. Railsback, at 235 pounds, is right guard, and Johnson, at 210 pounds, is left tackle. Joss, who played with Ann Arbor, and who weighs 190 pounds, is right tackle. The combined weight of this center is 1,045 pounds, or an average of 209 pounds to the man. The average of Illnois team, is full back. William Hall who played last year with the High School team, is quarter back of the team. The game will be called at 3 o'clock. and the street-car company will run cars as to the baseball games.

WEATHER BUREAU FIGURES.

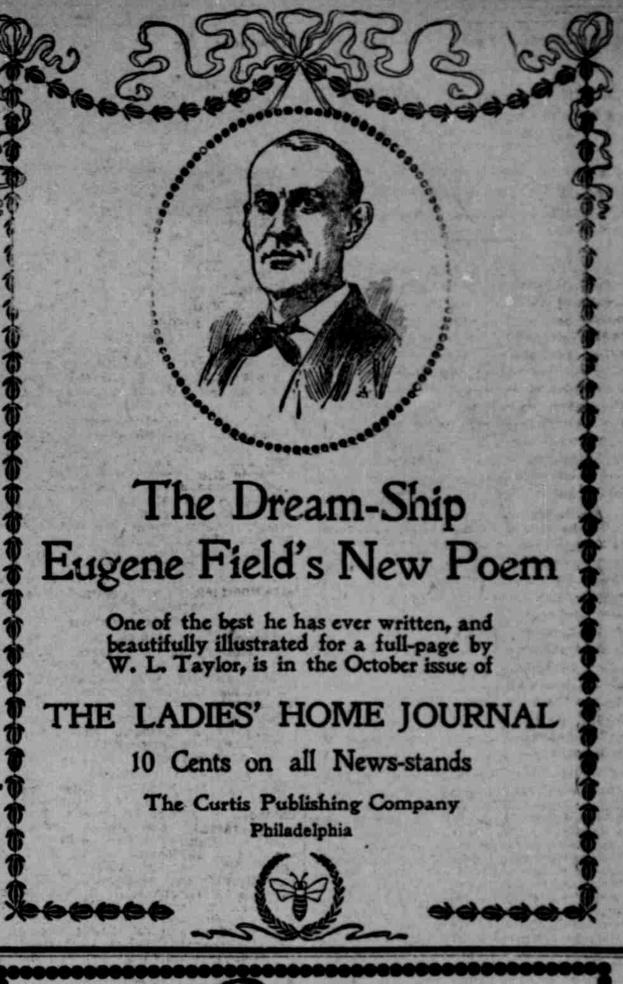
Maximum and Minimum Temperatures and Observations at 7 P. M. The following table of yesterday's temperatures is furnished by C. F. R. Wappenhans, local forecast official:

Bismarck, N. D. ..... 36 Calgary, N. W. T...... 38 Concordia, Kan. ,..... Galveston 6
Helena, Mont. 4
Jacksonville, Fla. 5
Kansas City, Mo. 4
Little Rock, Ark. 5 linnedosa, Manitoba. .. Marquette, Mich ...... 3 Vashville ..... New Orleans ...... North Platte, Neb.,.... Oklahoma, O. T..... Salt Lake City..... San Antonio. Tex...... St. Vincent, Min ...... ingfield, Mo.. ...... Vicksburg .... Vashington ... ......

Wichita, Kan.. ...... 42 Thursday's Local Observations. Bar, Ther. R. H. Wind, Weather, Pre. 7 a. m., 30.17 40 83 North, Clear, 0.00 7 a. m...30.17 40 83 North. Clear. 0.00 7 p. m...30.18 55 38 N'west. Clear. 0.00 Maximum temperature, 60; minimum tem-Following is a comparative statement of temperature and precipitation on

Departure since Oct. 1.......... -61 Departure since Jan. 1 ......... -37 -13.53 C. F. R. WAPPENHANS, Local Forecast Official.

Forecast for Friday. WASHINGTON, Oct. 17 .- For Ohio, Iniana and Illinois-Fair; warmer; southerly





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ABOUT ALASKA. Dr. Becker Tells About Mineral Resources of That Country. Washington Post.

Dr. George F. Becker, of the Geological Survey, has returned from an official trip to Alaska, in regard to which he chatted very pleasantly with a Post reporter in his apartments at the Shoreham yesterday. He was accompanied by Dr. William I Dall, of the same bureau, who acted as Dr. Becker's assistant in inspecting the coal resources of the Territory. Dr. Becker himself went with special reference to studying the gold fields of that region, about which he formed very favorable con-

inferior grade in Alaska," said the Doctor, but it is very uncertain whether it can be utilized to any extent for commercial purposes. It might be brought down to San Francisco and sold in competition with that from Vancouver's island, but so far there has been little or no development in the way of mining it. The few gold mines that are in operation are paying handsomely, the output of the noted Treadwell mine on Douglass island, near Junean, having al-"Outside of a little strip of country the coast, there is little known about the mineral resources of Alaska. The interior when explored may be found to contain gold deposits of extraordinary richness It is, under existing conditions, almost impossible to penetrate into the interior of the country. The woods are not only as dense as an African jungle, but the ground is covered with fallen tree trunks that have een accumulating for years, and these are

covered with a thick growth of moss, making it a very difficult task for the explorer to push his way through, not to speak of the thorns that grow on every bush. The scenery is the grandest, I think, in the world, and the view of the Mount St. Elais range from the sea is suspassingly fine.
On the Yukon river a good many gold
hunters are doing very well in placer mining, but their labor is under conditions so
severe as to be almost unendurable. They ave nine months of terrible winter, where the thermometer goes down to 60 degrees below zero, and in the short summer the mosquitges make the life of the miners an endless torment. On the boat which conveyed me back to San Francisco I encountered several men who had spent last winter on the Yukon, and they were carying back snug sums of the yellow metal, out they told me that their sufferings were so extreme that they never intended to re-

Mr. W. M. R. French will deliver his fourth lecture on art at Plymouth Church this evening. This is a part of the series of university extension lectures. For Indigestion

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WALTER J. HUBBARD, Treas.

ADMINISTRATOR'S SALE OF REAL

Notice is hereby given that, pursuant to an order of the Marion Circuit Court, made on the 26th day of June, 1896, and as modified by the court on the 3d day of October 1895, in probate cause No. 1761, wherein Charles D. Johnson, administrator of the estate of William W. Johnson, deceased, is plaintiff, and Mary E. Watts and others are defendants, I will sell, at private sale, for not less than the appraised value there-of, free of and in discharge of all liens thereon, the following described real estate situate in Marion county, State of In-diana, to-wit: Lot number three (3) in Slythe's subdivision of lots number four (1). five (5) and six (6), in Thorpe's subdivision of the original block number twenty (20), in the city of Indianapolis. Said sale will be on Thursday, Oct. 31, 1895, between the hours of 10 o'clock a. m. and 5 o'clock p. n., at the law office of Howard Cale, No East market street, in Inc Ind. And if said property shall not be sold on the date aforesaid, the same will be offered daily thereafter, at same place and on same terms and between the hours Aforesaid until the same is sold. Terms of sale: One-third of the pu money shall be paid in cash on the day of sale, and the balance in equal installments in nine and eighteen months. The deferred payments shall be evidenced by the notes of the purchaser, with approved sureties, waiving recourse to valuation or appraise-ment laws of Indiana, and bearing 6 per cent, interest, and be in the usual for a used in Indiana, or such purchaser may pay to said administrator the full amount of his bid in cash. Said sale shall be sub ject to the approval of said court. The appraised value of said real estate is \$3,000. CHARLES D. JOHNSON, Administrator of William W. Johnson's

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